

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-14 are pending in this application. Claims 1, 5, and 11 are independent. Claims 1, 5, 7 and 11 are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102 and §103(a)

Claims 1 – 8 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Publication 2003/0147629 to Kikuchi, et al. (hereinafter, merely “Kikuchi”)

Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kikuchi in view of U.S. Publication No. 2003/0161615 to Tsumagari, et al. (hereinafter, merely “Tsumagari”)

Claims 11-14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2002/0042843 to Kremens, et al. (hereinafter, merely "Kremens") in view of Kikuchi.

Claim 1 recites, *inter alia*:

"...file production means for producing a file having a hierarchical structure,
wherein the file comprises actual data and reference data,
wherein the actual data comprises of video data and audio data, both in the form of compressed data,
wherein the reference data is used for a reproduction operation of the actual data,
wherein the reference data has a hierarchical structure and has data used for a calculation in a reproduction operation in a predetermined layer in said hierarchical structure of said reference data corresponding to said compressed video data and said compressed audio data, respectively;
data reproduction means for producing reproduction condition data in a predetermined structure which includes a condition for the reproduction operation based on said data used for a calculation of a condition of being demanded for reproduction operation in said reference data,
wherein the reproduction condition data is disposed in a top layer of said hierarchical structure of said file..." (emphasis added)

As understood by Applicants, Kikuchi relates to recording and playing back video data together with control information, a thumbnail, or thumbnail control information, extracted from a moving picture of a video.

As understood by Applicants, Kremens relates to passing information between a client, as a browser, and a server, as an application server, where the information is passed through a web server for processing between the application server and the browser.

Applicants submit nothing has been found in Kikuchi or Kremens, taken alone or in combination, that would teach or disclose the above-identified features of claim 1. Indeed, Applicants submit that there are at least three points of novelty recited in claim 1.

Specifically these points of novelty include: 1). file production means for producing a file having a hierarchical structure, wherein the file comprises actual data and reference data. 2). data reproduction means for producing reproduction condition data in a predetermined structure which includes a condition for the reproduction operation based on said data used for a calculation of condition of being demanded for reproduction operation in said reference data. 3). the reproduction condition data is disposed in a top layer of said hierarchical structure of said file.

All three of these points of novelty are recited in claim 1.

Therefore, claim 1 is patentable. Claims 5 and 11, which recite similar, or somewhat similar, features, are also patentable for similar, or somewhat similar, reasons.

Furthermore, Applicants note that Tsumagari is not prior art, and therefore does not provide a proper basis for rejection. Indeed, Tsumagari has a filing date of February 26, 2003, which is after the effective filing date of the present application. Specifically, the present application is entitled to the benefit, under 35 U.S.C. §119, of Japanese application 2003-011995 filed on January 21, 2003 in Japan, which is prior to the Tsumagari filing date of February 26, 2003. An acknowledgement of such claim of priority and receipt of the priority document is provided on the summary sheet of the present Office Action.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
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